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KINGSTON ONTARIO CANADA

Daniel Fleming
K. 6, 14

udge Jenkins
PLEA

elivered in to the Earl
of *Manchester*, and the
Speaker of the House of
COMMONS.

itting in the CHANCERY at
WESTMINSTER,

Which was read by their Command in
open Court, the 14th of Feb 1647
and there avowed.

By DAVID JENKINS Prisoner in NEVVGATE.

LONDON,
Printed in the Yeare 1648.

dge Jenkins
PLEA
elivered into the
rle of *Manchester*,
nd the Speaker of the
House of COMMONS, sitting in the CHANCERY at WESTMINSTER.

Have been required to appear in the Chancery the Twelfth of this instant *February*, before Commissioners appointed by the two ses for the keeping of their Great , and managing the Affaires of the ancery.

annot, nor ought, nor will sub- to this power. I am a Judge rne to the Lawes. The Law is, t, that this Court is *Coram Rege in Can-*

4 pars inst. fol. 79 8 E 4. fol. 5. 9 E. 4. f. 25.

Chancellaria, Secondly the Chan
or Keeper of the great Seale is b
livery of the Great Seale to h
the KING, and by taking
Oath.

The Oath followeth in thes
words.

42 pars. inst. fol. 88 10. R. 2. rot parl. num. 8.

1. *WVell and truly to serve ou*
veraigne Lord the King, and his
in that office.

2. *To do right to all manner of*
poore and rich, after the Laws a
sages of this Realme.

3. *Truly to counsell the King*
his Councell to conceale and kee

4. *Not to suffer the hurt, or di*
ting of the King, or that the rig
the Crown be decreased by any m
as farre as he may let it.

5. *If he may not let it, he shall*
it clearly and expresly to be know
the King with his advice and
sell.

6. *And that he shall do and pur*
the Kings profit in all that he
nably may as God him help, an
coments of Gods book.

The said Commissioners among others have Imprisoned their King, have declared to the Kingdome that they will make no Addresses or Applications to him, nor receive any from him. Declar. 17 Ian. 1647.

Have counterfeited a new great Seal, and after destroyed the true old great Seale which belonged by the Law to the Kings custody. Articuli sup chartrs c. 5.

These Commissioners have had no Seale delivered to them by his Majesty, have taken no such Oath, or full if kept it, and for these evident reasons grounded upon the fundamentall Lawes of this Land, these Commissioners have neither Court, Seale or Commission, and therefore I ought not against the Lawes, against my knowledge, and against my conscience submit to their power.

To affirme that they maintaine the Kings power and authority in relation to His Lawes (as they often do) and restraine only his Person, is strange.

They must be remembred that the House of Commons this Parliament have in charge to Mr. Solicitor upon the prosecution of the Bill of attainder against the Earle of *Strafford*, to declare the Law to be, *that Machination* Mr. Solici. pag. 27.

tion

tion of war against the Lawes
Kingdome, is against the King, th
cannot be severed.

Mr. Pim. Pag 16.

Mr. Pym had in charge likewise u
on the same prosecution to declare.
That the King and his people are obl
ged one to another in the neareſt relat
on, he is a Father, & the child in la
is called pars patris, *he is the Husba*
of the Common-wealth, they have t
same interests, they are inseperable
their condition be it good or evill;
is the head, they are the body, there
such an incorporation as cannot be di
solved without the destruction of bot

20 H.7. fol.7.
8.H.7.fol.12.
1 Ed.5.fol.3.
4 Ed.4.fol.25
5 Ed.4.fol.29

This agrees with our Lawes, and th
Law of this Land. In that argume
of Mr. Sollicitor and discourse of M
Pim directed by the House of Com
mons are contained the true rights,
berties and lawes of the people ded
ced from our Ancestors in all ages,
wherein there is no line or word but
agreeable to the Lawes, and is a nece
sary and usefull booke to be perused
and followed by all, which booke w
published by Order of the House
Commons. If the doctrine of th
booke had bin followed, we had not b
so miserable as we are; neither ha
these great evills ensued, for the whic
the Land mourns.

In this Moneth of *February*, six years now past, the onely difference between his Majesty and the prevailing party in both Houses was touching the power of the *Militia*, which in plaine *English* is, Power over Sea and Land: this was the sole quarrell; the King and his Progenitours have had it in all Times, the Lawes have fixed it upon them, they have used it for the Weal of the people, none of the Subjects ever had it or claimed it, the Lawes deny them, for the time they have had it, their pressures have bin miserable.

Colle&. of Ordinances. 1. pars. fol. 66. 67. 81.

His Majesty hath a numerous issue, and so hath his Father: many great persons of *England*, and *Scotland* are of the Blood Royall, and all the Kings of *Christendom* are of the same Blood, long as the Lawes last, or any of the said persons, or their Discendants be living, this people shall have neither peace nor profit, but all the confusions that are imaginable will attend them.

And therefore (at length) be good to your selves, restore our King, receive from him an Act of Oblivion, a generall pardon, Assurance for the Arrears of the Souldiery, and meet satisfaction to tender consciences.

February 12. 1647. By *David Jenkins*, Prisoner in Newgate.